

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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GERARD SILLAM and ALDRIC SAULNIER,	:	
	:	
Plaintiffs,	:	No. 21-CV-6675 (CM) (OTW)
	:	
-against-	:	<u>ORDER</u>
	:	
LABATON SUCHAROW LLP, et al.,	:	
	:	
Defendants.	:	
	:	
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ONA T. WANG, United States Magistrate Judge:

The Court held a show cause hearing on Tuesday, August 15, 2023.

At the hearing, the Court preliminarily found that Plaintiff Sillam had failed to show cause that he had not breached promises he made in his February 2023 Declaration (*see* ECF 104-4, Sillam Declaration, ¶ 4).¹ Specifically, Plaintiff Sillam instituted a new French criminal complaint in March 2023 based on certain documents attached to Defendants’ Third Set of Document Requests dated January 27, 2023, propounded to Plaintiff Sillam by Defendants. (*See* ECF 110-2). The affidavit filed by Plaintiff Sillam’s French counsel (*see* ECF 110-6) makes several conclusory – and in at least once instance, incorrect² – statements that are not sufficient for me to find either that Plaintiff Sillam complied with the declaration or that French law placed him in such a quandary that he had no choice but to institute a new criminal complaint.

¹ Both Plaintiffs signed declarations in February 2023 (ECF 110-4) to resolve a dispute concerning the location of Plaintiffs’ depositions. The declarations were necessary in order for the Court to rule that Plaintiffs could remain in France to be deposed.

² For example, the French law affidavit discloses the offending document as a “police report” and erroneously states that defense counsel would cause it to be “published on PACER and . . . accessible to the public.” (ECF 110-6 at 3). Indeed, the documents were not actually “published” on PACER until Plaintiff Sillam caused his counsel to publish them. (*See* ECF 110-2).

Accordingly, Plaintiff Sillam is directed to submit supplemental briefing **by Friday, September 8, 2023**, as directed at the hearing. Such briefing should address, at a minimum, the chronology of events as discussed at the show cause hearing, and whether, on that chronology, Plaintiff Sillam breached the promises made in his declaration and whether and how French law required (or did not require) such action. The supplemental briefing shall also provide the status of any French criminal proceedings and be generally responsive to the issues raised by the Court at the hearing.

Defendants' opposition, if any, is due **by Friday, September 29, 2023**.

The parties are directed to refer to the transcript of the August 15, 2023, conference for additional details on the Court's rulings.

SO ORDERED.

Dated: August 16, 2023
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge